

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK MICHAEL MONTE,
Defendant.

Crim. Action No. 19-821

**ORDER FOR
COMPETENCY EVALUATION**

John Michael Vazquez, U.S.D.J.

This matter having come before the Court on the Court's own motion, in the presence of the United States, by Craig Carpenito, United States Attorney (Andrew Trombly, Assistant U.S. Attorney, appearing), and *pro se* Defendant Frank Michael Monte (John J. McMahon, Esq. appearing),¹ for an in-patient examination of the Defendant by the United States Bureau of Prisons ("BOP"), pursuant to Title 18, United States Code, Sections 4241 and 4247(b) to determine the mental competency Defendant pursuant to Section 4241(a); and the Defendant having appeared before the Court at a status conference held on December 15, 2020; and the Court having placed on the record certain findings and conclusions in this regard; and the Court providing additional relevant information in the attached addendum which is filed under seal²; and the Court having found reasonable cause to believe that the Defendant may presently be suffering from a mental

¹ Mr. McMahon is now representing Defendant instead of acting in a standby counsel role.

² The addendum and attachments are being placed under seal due to the sensitive nature of the material. The addendum and attachments, however, shall be available to Defendant, Defendant's counsel, A.U.S.A. Trombly (and any other persons in Mr. Trombly's office with whom he needs to share such information in furtherance of his prosecutorial duties); and U.S. Pretrial Services.

disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and the Court having determined that an in-patient mental competency evaluation of the Defendant is warranted in that such an evaluation may assist the Court in deciding whether the Defendant is presently mentally competent;; and for good cause shown,

IT IS on this 21st day of December 2020,

ORDERED that the BOP shall conduct a mental competency evaluation of Defendant Frank Michael Monte, pursuant to 18 U.S.C. § 4241(b), at the Metropolitan Correctional Center (“MCC”) in New York, NY, or other suitable facility as designated by the BOP³; and it is further

ORDERED that the Defendant, the United States, or United States Pretrial Services may provide other materials to the Chief Psychologist or Psychiatrist at the facility where the examination is to be conducted, within a reasonable period after being informed of the identity of the facility; and it is further

ORDERED that the BOP’s evaluation shall, pursuant to 18 U.S.C. § 4247, be completed within a reasonable period, but not to exceed thirty (30) days, of the Defendant’s admission to the designated facility. The director of the facility may apply for a reasonable extension, but not to exceed fifteen (15) days, pursuant to 18 U.S.C. § 4247(b)⁴; and it is further

ORDERED that, following the competency evaluation, the examiner designated to conduct the psychological or psychiatric examination shall prepare and file with the Court and provide to counsel for the Defendant and for the United States a report, pursuant to and in accordance with the requirements of 18 U.S.C. §§ 4241(b), and 4247(b) and (c); and it is further

³ Pursuant to 18 U.S.C. § 4247(b), the examination shall be conducted in a suitable facility closest to the Court unless it is impracticable for BOP to do so.

⁴ Any request for extension must be made within the original thirty (30) day period.

ORDERED that, upon completion of the Defendant's examination at the designated facility, the director of the facility shall remand the Defendant to the custody of the U.S. Marshals Service; and it is further

ORDERED that the period of commitment necessary to transport the Defendant to and from a suitable facility, to evaluate the Defendant, and to determine the Defendant's competency shall be excluded in computing the time within which the trial must commence, pursuant to 18 U.S.C. § 3161(h)(1)(A) and (D); and it is further

ORDERED that a copy of this Order shall be given to the U.S. Marshals Service, and the U.S. Marshals Service shall make such arrangements as are necessary for the transportation of Defendant Frank Michael Monte to and from the designated family examination.



John Michael Vazquez
United States District Judge